

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

fe Application

Inventor(s):

Zucherman, et al.

Appl. No.:

10/730,717

Filed:

Confirm. No.: 3955

December 8, 2003

Title: SYSTEM AND METHOD FOR REPLACING

DEGENERATED SPINAL DISKS

PATENT APPLICATION

Art Unit:

3738

Examiner:

Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for

Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 14, 2004.

Michael L. Robbins, Reg. No. 54,774

Signature Date: June 14, 2004

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted with this communication in connection with the above-identified application is the following:

A Power of Attorney by Assignee under 37 C.F.R. §§3.71, 3.73(b).

No fee is required with this communication.

Respectfully submitted,

By:

Michael L. Robbins

Reg. No. 54,774

Customer No. 23910 FLIESLER MEYER LLP Four Embarcadero Center, Fourth Floor San Francisco, California 94111-4156 Telephone (415) 362-3800



HE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors:

Zucherman, et al.

Appl. No.: Confirm. No.: 3955

10/730,717

Filed:

December 8, 2003

Title:

SYSTEM AND METHOD FOR REPLACING

DEGENERATED SPINAL DISKS

PATENT APPLICATION

Art Unit:

3738

Examiner:

Unknown

Customer No.: 23910

POWER OF ATTORNEY BY ASSIGNEE UNDER 37 C.F.R. §§ 3.71, 3.73(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The below-identified Assignee is the owner of the entire right, title and interest in the above-identified patent application by virtue of an assignment from the inventors.

The Assignment was recorded in the United States Patent and Trademark Office at Reel ___, Frames ___ - ___, or

A true copy of the Assignment is attached hereto, the original of which has been forwarded to the United States Patent and Trademark Office for recording.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Assignee hereby appoints Sheldon R. Meyer, Reg. No. 27,660, Michael L. Robbins, Reg. No. 54,774, and other attorneys of FLIESLER MEYER LLP, Customer No. 23910, to prosecute this application and transact all business in the United States Patent & Trademark Office connected therewith; said appointment to be to the exclusion of the inventors and the inventors' attorney(s) in accordance with the provisions of 37 C.F.R. §3.71.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please address all correspondence to: Sheldon R. Meyer FLIESLER MEYER LLP Four Embarcadero Center, Fourth Floor

San Francisco, CA 94111-4156 Telephone: (415) 362-3800

Please direct all telephone calls to: Michael L. Robbins

Assignee:	St. Francis Medical Tec	<u>hnologi</u>	es, Inc.	
Assignee Type:	Corporation		·	
	Henry A. Klyce			<u> </u>
Signor's Title:	President			
Signature:	\mathcal{M}_{\perp}	Date: _	My 20	200
_	1		Λ ,	,

Attorney Docket No.: KLYCD-05000US0 mrobbins/klycd/5000us0/5000us0.poa.wpd

103.001:123103 05/14/4-09:41

JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned Inventors:

James F. Zucherman	
3035 Pierce Street, San Francisco, California 94123	; and
Von V. Hou	
52 Clarendon Avenue, San Francisco, California 94114	; and
Charles J. Winslow	
25 Hilton Court, Walnut Creek, California 94595	; and
Scott A. Verby	
1555 Buch Street, Montara, Camornia 94037	; and
John J. Flynn	
1458 Santa Clara Avenue, Concord, California 94519	; and
Steve Mitchell	
	; and
	, and
John A. Markwart	
4808 Heyer Avenue, Castro Valley, California 94552	
	Xen Y. Hsu 52 Clarendon Avenue, San Francisco, California 94114 Charles J. Winslow 25 Hilton Court, Walnut Creek, California 94595 Scott A. Yerby 1333 Birch Street, Montara, California 94037 John J. Flynn 1458 Santa Clara Avenue, Concord, California 94519 Steve Mitchell 776 Duke Circle, Pleasant Hill, California 94523 John A. Markwart

have invented certain new and useful improvements in:

SYSTEM AND METHOD FOR REPLACING DEGENERATED SPINAL DISKS

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention, said invention having been filed on the 8th day of December, 2003, and assigned U.S. Patent Application No. 10/730,717.

WHEREAS St. Francis Medical Technologies, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 960 Atlantic Avenue, Suite 102, Alameda, California 94501, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all

applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

- Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.
- 3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.
- 4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed this instrument on the date as given below and delivered this instrument to said Assignee:

Date

James F. Zucherman

State of

County of

San Francisco

On Maril 19, 2004 before me, NAS LOZANI

(name and title of officer)

personally appeared James F. Zucherman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NAS LOZANI
Commission # 1319198
Notary Public - California
San Francisco County
My Corrent Expires Sep 26, 2005

·	
4-19-2004	(2) Can y M
Date !	Ken Y. Hsu
State of Celifonnia	
County of San Francisco	
On April 19, 2004 before me,	(name and title of officer)
personally appeared Ken Y. Hsu , personally known to the person(s) whose name(s) is/a/e subscribed to the within instrument his/her/their authorized capacity(ips), and that by his/her/their spehalf of which the person(s) acted, executed the instrument.	to me (or proved to me on the basis of satisfactory evidence) to nent and acknowledged to me that he/she/they executed the same
WITNESS my hand and official seal.	NAS LOZANI Commission # 1319198
Signature Nas foxen	Notary Public - California San Francisco County My Comm. Expires Sep 26, 2005
•	(3)
Date	Charles J. Winslow
State of	
County of	
On before me,	(name and title of officer)
personally appeared <u>Charles J. Winslow</u> , personally known be the person(s) whose name(s) is/are subscribed to the within instrumn his/her/their authorized capacity(ies), and that by his/her/their spehalf of which the person(s) acted, executed the instrument.	to me (or proved to me on the basis of satisfactory evidence) to ment and acknowledged to me that he/she/they executed the same
WITNESS my hand and official seal.	
Signature	<u> </u>

•	
42804	(4) Per /
Date	Scott A. Yerby
State of all farmer	ب ک
County of <u>Alameda</u>	<u>)</u>
On April 28 2004 before me, 10	Aprila S Harston noting Public
nerconally appeared Scott A. Verby nerconally known to	(name and title of officer)
personally appeared Scott A. Yerby personally known to be the person(s) whose name(s) are subscribed to the within instrum	ent and acknowledged to me that the they they even the day as a series of satisfactory evidence) to
industrial	mature(s) on the instrument the person(s) or the entity upon
behalf of which the person(s) acted, executed the instrument.	years (c) on the monthment the person(25) of the entity upon
4	DATRICIA C HARCTADA
WITNESS my hand and official seal	PATRICIA S. HARSTAD Z COMM. # 1282008
Do . Lyl	NOTARY PUBLIC - CALIFORNIA TI
Signature Mille and Allestad	ALAMEDA COUNTY My Comm. Expires OCT 27, 2004
·	
****************	*******
4-28-04	a Ala I Than
	(3) (M) (1) (M)
Date	John J./Flynn
	· / / / / / / / / / / / / / / / / / / /
Date	· / / / / / / / / / / / / / / / / / / /
Date State of California County of Glameda	John J/Flynn Lucia S. Harstal, notary Public.
State of California County of Glunda On affice 28, 2004 before me, Para	John J/Flynn Licia S. Harstal notay Public, (name and title of officer)
State of County of On Afric 28, 2004 before me, Market personally appeared John J. Flynn personally known to be the person(s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the within instrument person (s) whose name(s) is fare subscribed to the person (s) whose name(s) is fare subscribed to the person (s) whose name(s) is fare subscribed to the person (s) whose name(s) is fare subscribed to the person (s) whose name(s) is fare subscribed to the person (s) is f	John J. Flynn Lacia S. Hars fal Jotay Public (name and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that be they they executed the same
Date State of County of On Afric 28, 2004 before me, 117 personally appeared John J. Flynn personally known to be the person(s) whose name(s\sistare subscribed to the within instrume in his her/their authorized capacity(ies), and that by his her/their sig	John J. Flynn Lacia S. Hars fal Jotay Public (name and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that be they they executed the same
State of County of On Affric 28, 2004 before me, 17/10 personally appeared John J. Flynn , personally known to	John J. Flynn Lacia S. Hars fal Jotay Public (name and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that be they they executed the same
State of County of On Affect 28, 2004 before me, 117 personally appeared John J. Flynn personally known to be the person(s) whose name(s\(\)istare subscribed to the within instrume in historytheir authorized capacity(ies), and that by historytheir significant behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seaf.	John J. Flynn Caca S. Hars tal Molay Public (name and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that he they executed the same mature(s) on the instrument the person(s), or the entity upon
State of County of On Affect 28, 2004 before me, 117 personally appeared John J. Flynn personally known to be the person(s) whose name(s\(\)istare subscribed to the within instrume in historytheir authorized capacity(ies), and that by historytheir significant behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seaf.	John J. Flynn Came and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that he she/they executed the same mature(s) on the instrument the person(s), or the entity upon PATRICIA S. HARSTAD Z COMM. # 1282008
Date State of County of On Affect 28, 2004 before me, 1/1/10 personally appeared John J. Flynn personally known to be the person(s) whose name(s) state subscribed to the within instruming in Sher/their authorized capacity(ies), and that by his her/their significant behalf of which the person(s) acted, executed the instrument.	John J. Flynn Came and title of officer) me (or proved to me on the basis of satisfactory evidence) to ent and acknowledged to me that he she/they executed the same mature(s) on the instrument the person(s), or the entity upon PATRICIA S. HARSTAD Z

,	
4.28.04	(6)
Date	Steve Mitchell
State of Callefornia	
County of Glameda	
on april of Sory before me, tat	
personally appeared Steve Mitchell , personally known	(name and title of officer) ' to me (or proved to me on the basis of satisfactory evidence) t
be the person(s) whose name(s) are subscribed to the within instru	ment and acknowledged to me that he/she/they executed the sam
in his/her/their authorized capacity(ies), and that by his/her/their shehalf of which the person(s) acted, executed the instrument.	signature(s) on the instrument the person(s), or the entity upo
WITNESS my hand and official seal.	PATRICIA S. HARSTAD COMM. # 1282008
Signature Jatricia Jastacl	NOTARY PUBLIC - CALIFORNIA ALAMEDA COUNTY My Comm. Expires OCT 27, 2004
***************	*********
APRIL 29, 2004	(7) John A. Markwart
Date	John A. Markwart
State of Calefornia	<u>_</u>
County of Glameda	
On April 29 3004 before me, H	RTEIGIS. Harsted Natary Public
personally appeared <u>John A. Markwart</u> , personally known	(name and title of officer) wn to me (or proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) (s) are subscribed to the within in	strument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/thebehalf of which the person(s) acted, executed the instrument.	eir signature(s) on the instrument the person(s), or the entity upo
WITNESS my hand and official seal.	PATRICIA S. HARSTAD Z
	L52008 COMM. # 1282008

D ate	(2) Ken Y. Hsu
State of)
County of))
On before me,	
be the person(s) whose name(s) is/are subscribed to the within inst	(name and title of officer) wn to me (or proved to me on the basis of satisfactory evidence) trument and acknowledged to me that he/she/they executed the samir signature(s) on the instrument the person(s), or the entity upon
WITNESS my hand and official seal.	
Signature	
****************	*******
4/28/04	(3) Charle Juli In
Date /	Charles J. Winslow
State of Collegorner	
On whit 28th Day before me, _	Paricia Stanstad notary Public
personally appeared <u>Charles J. Winslow</u> , personally know be the person(s) whose name(s) are subscribed to the within instring in this her/their authorized capacity(ies), and that by his/her/their behalf of which the person(s) acted, executed the instrument.	niment and acknowledged to me that batchothous are and all a second
WITNESS my hand and official seal. Signature Attrice Sharshad	PATRICIA S. HARSTAD Z COMM. # 1282008 NOTARY PUBLIC - CALIFORNIA J ALAMEDA COUNTY My Comm. Expires OCT 27, 2004